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10/523,513	02/04/2005	Peter Dolling	2002P09934WOUS	1286

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Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, NJ 08830

EXAMINER
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NORTON, JENNIFER L

ART UNIT	PAPER NUMBER
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2121

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11/14/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/523,513

Applicant(s)

DOLLING ET AL.

Examiner

Jennifer L. Norton

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The following is a **Final Office Action** in response to the Amendment received on 29 August 2007. Claims 15 and 32 been amended. Claims 1-14 have been previously cancelled. Claims 15-33 are pending in this application.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 32 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by PCT Application No. PCT/US00/14590 (hereinafter Gundmudsson) and U.S. Patent NO. 5,880,959 (hereinafter Shah), incorporated by reference in Gundmudsson.

4. As per claim 32, Gundmudsson by incorporation of Shah discloses a method for designing an installation, the method comprising:

providing a graphic user interface (Gundmudsson: Fig. 5; and Shah: Fig. 7) displayed on a display (Gundmudsson: col. 7, lines 17-20; and Shah: col. 11, lines 48-51),

the graphic user interface having at least two navigation areas

(Gundmudsson: pg. 12, lines 1-4, pg. 13, lines 19-20 and Fig. 5, element 510 and 520; and Shah: Fig. 7, element 1002 and 1022) and a data area (Gundmudsson: col. 14, line 11 and Fig. 5, element 525; and Shah: Fig. 7, element 1024),

a first navigation area (Gundmudsson: Fig. 5, element 510 and Shah: Fig. 7, element 1002) being an area in which sub-tasks and work steps associated with designing the installation can be simultaneously displayed in a hierarchically organized manner (Gundmudsson: pg. 13, lines 25-28 and pg. 14, lines 1-5; and Shah: col. 11, lines 65-67 and col. 12, lines 1-7), and

a second navigation area (Gundmudsson: Fig. 5, element 520; and Shah: Fig. 7, element 1022) being an area in which individual work steps associated with designing the installation which a user performs through the graphical user interface are simultaneously displayed in their processing sequence (Shah: col. 12, lines 12-16), and the data area (Shah: col. 11, lines 64-67, col. 12, lines 1-16 and Fig. 7, element 1022) being operable with the user interface (Shah: col. 11, lines 48-51 and Fig. 7) to provide selectable options for performing one of the subtasks or work steps (Shah: col. 11, lines 64-67, col. 12, lines 1-16 and Fig. 7, element 1022);

the user interface enabling:

selection and performance of individual work steps in the method to design the installation by navigating in the first or in the second navigation area (Gundmudsson: col. 14, lines 1-2; and Shah: col. 12, lines 5-7); and

enabling a user to perform the work steps in part by:

(i) visually marking display elements associated with a selected work step in the first and in the second navigation area (Gundmudsson: pg. 7, lines 10-13 and pg. 11, lines 9-12); and

(ii) selecting a data option (Shah: Fig. 7, element 1024) associated with the selected work step in the data area in order to design the installation (Gundmudsson: col. 3, lines 25-27 and col. 5, lines 14-19; and Shah: col. 11, lines 64-67, col. 12, lines 1-16 and Fig. 7).

5. As per claim 33, Gundmudsson by incorporation of Shah discloses a digital storage medium (Gundmudsson: pg. 5, lines 22-26 and Fig. 1, element 125 and 150) comprising a control program (Gundmudsson: pg. 7, lines 10-20 and Fig. 2, element 230) adapted for interacting with a computer (Gundmudsson: pg. 5, lines 9-12 and Fig. 1, element 130 and 140), an operator unit (Gundmudsson: pg. 4, lines 22-28, pg. 5,

line 1 and Fig. 175 and 180), and a display (Gundmudsson: pg. 4, lines 20-22 and Fig. 1, element 170) for performing the method according to Claim 32 (Gundmudsson: pg. 4, lines 20-22 and Fig. 1, element 170).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 15-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over PCT/US00/14590 (hereinafter Gundmudsson) and U.S. Patent No. 5,880,959 (hereinafter Shah), incorporated by reference in Gundmudsson.

8. As per claim 15, Gundmudsson teaches a software-based tool programmable according to a program for designing a project, the tool comprising:

a storage unit (Fig. 1 element 125 and 150) for storing a control program (pg. 5, lines 22-26);

an operating unit (Fig. 1, element 175 and 180) for inputting operator commands (pg. 4, lines 22-28 and pg. 5, line 1);

a display (pg. 4, lines 20-22 and Fig. 1, element 170); and

a computer (Fig. 1, element 130)

Gundmudsson by incorporation of Shah teaches a computer which when programmed according to the program is configured to provide, in conjunction with the display (Gundmudsson: pg. 6, lines 1-5), a graphic user interface (Gundmudsson: col. 7, lines 17-20 and Fig. 5; and Shah: col. 11, lines 48-51 and Fig. 7) having a first navigation area (Gundmudsson: pg. 12, lines 1-4, pg. 13, lines 19-20 and Fig. 5, element 510; and Shah: Fig. 7, element 1002), a second navigation area (Gundmudsson: pg. 12, lines 1-4, pg. 13, lines 19-20 and Fig. 5, element 520; and Shah: Fig. 7, element 1022), and a data area (Gundmudsson: col. 14, line 11 and Fig. 5, element 525; and Shah: Fig. 7, element 1024),

wherein:

the first navigation area (Gundmudsson: Fig. 5, element 510 and Shah: Fig. 7, element 1002) is an area, in which sub-tasks and work steps associated with designing the project are simultaneously displayed in a hierarchically organized manner (Gundmudsson: pg. 13, lines 25-28 and pg. 14, lines 1-5; and Shah: col. 11, lines 65-67 and col. 12, lines 1-7) and

the second navigation area (Gundmudsson: Fig. 5, element 520; and Shah: Fig. 7, element 1022) is an area, in which a set of work steps associated with designing the project are simultaneously displayed in their processing sequence (Shah: col. 12, lines 12-16), and

wherein:

(i) a required work step can be selected in the first navigation area and/or in the second navigation area in order to perform the required work step (Gundmudsson: col. 14, lines 1-2; and Shah: col. 12, lines 5-7); and

(ii) activities of configuring or designing according to one or more of the subtasks or work steps are performed in the data area (Shah: col. 11, lines 64-67, col. 12, lines 1-16 and Fig. 7, element 1022) through the user interface (Shah: col. 11, lines 48-51 and Fig. 7) to select a data option (Shah: Fig. 7, element 1024) associated with a selected work step in order to design the project or an associated installation (Gundmudsson: col. 3, lines 25-27 and col. 5, lines 14-19; and Shah: col. 11, lines 64-67, col. 12, lines 1-16 and Fig. 7).

Gundmudsson by incorporation of Shah teaches to a system substantially the same but does not expressly teach the second navigation area (Fig. 7, element 1022) is an area (col. 12, lines 12-16), in which individual work steps associated with the project are simultaneously displayed in their processing sequence.



Van Weele teaches to a second navigation area (Fig. 3, element 38) is an area, in which individual elements (i.e. SECTION) associated with the project (i.e. manufacturing process) are simultaneously displayed in their processing sequence (col. 2, lines 1-17, col. 5, line 67, col. 6, lines 1-4 and col. 7, lines 34-37 and 43-44; i.e. SEQUENCE).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Gundmudsson by incorporation of Shah to include a second navigation area is an area, in which individual elements associated with the project are simultaneously displayed in their processing sequence to more efficiently control and supervise increasingly complex manufacturing processes by subdividing informational attributes (col. 2, lines 1-4).

9. As per claim 16, Gundmudsson by incorporation of Shah teaches as set forth above the first navigation area is an area with a tree structure (Gundmudsson: pg. 6, lines 22-23, pg. 13, lines 25-28, pg. 14, lines 1-5 and Fig. 5, element 520; and Fig. 7, element 1002).

10. As per claim 17, Gundmudsson by incorporation of Shah teaches as set forth above the first navigation area provides an overview of the project (Gundmudsson: pg. 14, lines 3-5 and Fig. 5, element 550; and Shah: col. 11, lines 64-67) in a tree structure

(Gundmudsson: pg. 6, lines 22-23, pg. 13, lines 25-28 and pg. 14, lines 1-2; and Shah: Fig. 7, element 1002).

11. As per claim 18, Gundmudsson by incorporation of Shah teaches as set forth above the first navigation area provides an overview of the project (Gundmudsson: pg. 14, lines 3-5 and Fig. 5, element 550; and Shah: col. 11, lines 64-67) in a tree structure (Gundmudsson: pg. 6, lines 22-23, pg. 13, lines 25-28 and pg. 14, lines 1-2; and Shah: Fig. 7, element 1002).

12. As per claim 19, Gundmudsson by incorporation of Shah teaches as set forth above elements displayed in the first navigation area are displayed as an alphanumeric display (Gundmudsson: pg. 4, lines 22-25 and pg. 6, lines 1-5; i.e. alphanumeric text is inputted to the processor to output text on the display; and Shah: col. 11, lines 65-67 and col. 12, lines 1-5).

13. As per claim 20, Gundmudsson by incorporation of Shah teaches as set forth above elements displayed in the first navigation area are displayed as an alphanumeric display (Gundmudsson: pg. 4, lines 22-25 and pg. 6, lines 1-5; i.e. alphanumeric text is inputted to the processor to output text on the display; and Shah: col. 11, lines 65-67 and col. 12, lines 1-5).

14. As per claim 21, Gundmudsson by incorporation of Shah teaches as set forth above elements displayed in the first navigation area are displayed as an alphanumeric display (Gundmudsson: pg. 4, lines 22-25 and pg. 6, lines 1-5; i.e. alphanumeric text is inputted to the processor to output text on the display; and Shah: col. 11, lines 65-67 and col. 12, lines 1-5).

15. As per claim 22, Gundmudsson by incorporation of Shah teaches as set forth above elements displayed in the second navigation area are each displayed in alphanumeric and graphic form (Gundmudsson: pg. 4, lines 22-25 and pg. 6, lines 1-5; i.e. alphanumeric text is inputted to the processor to output text and figures on the display; and Shah: col. 11, lines 65-67 and col. 12, lines 1-5).

16. As per claim 23, Gundmudsson by incorporation of Shah teaches as set forth above elements displayed in the second navigation area are each displayed in alphanumeric and graphic form (Gundmudsson: pg. 4, lines 22-25 and pg. 6, lines 1-5; i.e. alphanumeric text is inputted to the processor to output text and figures on the display; and Shah: col. 11, lines 65-67 and col. 12, lines 1-5).

17. As per claim 24, Gundmudsson by incorporation of Shah teaches as set forth above elements displayed in the second navigation area are each displayed in alphanumeric and graphic form (Gundmudsson: pg. 4, lines 22-25 and pg. 6, lines 1-5;

i.e. alphanumeric text is inputted to the processor to output text and figures on the display; and Shah: col. 11, lines 65-67 and col. 12, lines 1-5).

18. As per claim 25, Gundmudsson by incorporation of Shah teaches as set forth above once a required work step has been completed (Gundmudsson: col. 11, lines 9-12), command elements can be selected to display, input or change data associated with processing said work step (Gundmudsson: col. 11, lines 14-18).

19. As per claim 26, Gundmudsson by incorporation of Shah teaches as set forth above once the required work step has been completed, an alphanumeric display in the first navigation area corresponding to the completed work step and an alphanumeric and graphic display in the second navigation area corresponding to the completed work step are visually marked (Gundmudsson: col. 11, lines 9-12).

20. As per claim 27, Gundmudsson by incorporation of Shah teaches as set forth above the tool (Gundmudsson: col. 5, lines 9-12) is adapted for configuring or designing an installation or technical composition (Gundmudsson: col. 3, lines 25-27 and col. 5, lines 14-19).

21. As per claim 28, Gundmudsson by incorporation of Shah does not expressly teach the data displayed in the data area is displayed in the form of a list containing selectable list elements (Shah: col. 12, lines 12-16).

Van Weele teaches the data displayed in the data area is displayed to the form of a list containing selectable list elements (col. 13, lines 30-47).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Gundmudsson by incorporation of Shah to include the data displayed in the data area is displayed to the form of a list containing selectable list elements to more efficiently control and supervise increasingly complex manufacturing processes by subdividing informational attributes (col. 2, lines 1-4).

22. As per claim 29, Gundmudsson by incorporation of Shah teaches a button is assigned to each selectable list element (Gundmudsson: pg. 4, lines 22-25) which can be clicked on to superimpose a window corresponding to an assistant (Gundmudsson: pg. 6, lines 1-5; i.e. "instructions and guidance given to the user") for a selected element prompting inputting of parameters (Gundmudsson: pg. 6, lines 1-5; i.e. "input required from the user"), relating to configuring or designing (pg. 5, lines 9-10 and 14-19).

If, however the prior art is interpreted differently by a third party, the base reference and secondary reference teach "a superimposed window corresponding to an assistant" as follows:

As per claim 29, Gundmudsson by incorporation of Shah teaches a button is assigned to each selectable list element (Gundmudsson: pg. 4, lines 22-25) corresponding to an assistant (pg. 6, lines 1-5; i.e. "instructions and guidance given to the user") for a selected element prompting inputting of parameters (pg. 6, lines 1-5; i.e. "input required from the user"), relating to configuring or designing (pg. 5, lines 9-10 and 14-19).

Gundmudsson by incorporation of Shah does not expressly teach to a superimposed window corresponding to an assistant.

Van Weele teaches a superimposed window corresponding to an assistant (col. 13, lines 48-60).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Gundmudsson by incorporation of Shah to include a superimposed window corresponding to an assistant

to more efficiently control and supervise increasingly complex manufacturing processes by subdividing informational attributes (col. 2, lines 1-4).

23. As per claim 30, Gundmudsson by incorporation of Shah teaches as set forth above status indicators, provided in each of the navigation areas, provide information about whether or not a user has completed a work step (Gundmudsson: pg. 7, lines 10-13 and pg. 11, lines 9-12).

24. As per claim 31, Gundmudsson by incorporation of Shah teaches as set forth above the status indicators further contain information about whether or not a data selection made in a work step has resulted in a non-permitted status (Gundmudsson: col. 10, lines 12-20; i.e. "not valid" status).

### ***Response to Arguments***

25. Applicant's arguments, see Remarks pgs. 6-9, filed 20 August 2007 with respect to claims 15-33 under 35 U.S.C. 103(a) have been considered but are moot in view of the new ground(s) of rejection.

26. Applicant argues, "the Van Weele reference has not relation to the claimed invention"; the Examiner respectfully disagrees. Furthermore, the Examiner has

interpreted this argument as an argument that Van Weele is nonanalogous art to "designing a project..." or "designing an installation...".

In response to applicant's argument that Van Weele is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Van Weele relates to the art of designing an installation. Van Weele discloses using a user interface for designing an installation (i.e. manufacturing process; col. 30, lines 56-67 and col. 31, lines 1-44).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to a graphical user interface.

U.S. Patent Publication No. 2002/0075293 discloses a method and system for integrating a business process or workflow with a project plan.



U.S. Patent Publication No. 2007/0168065 discloses a system for facilitating configuration of a process plant may include a process graphics editor and a process module editor.

U.S. Patent No. 4,875,162 discloses a method for the automatic interfacing of a conceptual design tool with a project management tool.

U.S. Patent No. 5,293,497 discloses a design tool for designing an assembly which is a combination of components, each of which can be described by a selected number of variables and which may be available or may be made in different forms.

U.S. Patent No. 6,421,571 discloses an industrial plant asset management system comprising of a synchronized multiple view graphical user interface combining simultaneous real time and database display capability.

U.S. Patent No. 6,618,630 discloses a user interface is adapted to be used in a process control network having a controller communicatively coupled to a plurality of field devices, a process control configuration database and a workstation having a display, a processor and a memory communicatively coupled to the controller.

U.S. Patent No. 6,889,096 discloses an industrial plant asset management system comprising of a synchronized multiple view graphical user interface combining simultaneous real time and database display capability.

U.S. Patent No. 6,928,625 discloses a method for managing process control in a graphical user interface.

U.S. Patent No. 7,003,732 discloses a system includes a database stored on a server utilized for collecting information throughout a plant and/or component design process, and usable in operation and maintenance of the plant and components.

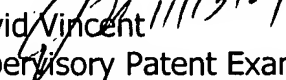
U.S. Patent No. 7,003,732 discloses A method and system of automatically generating information in a grid structure on a display screen.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer L. Norton whose telephone number is 571-272-3694. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Vincent can be reached on 571-272-3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2121

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
David Vincent  
Supervisory Patent Examiner  
Art Unit 2121